



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.19408 of 2021

Manikandan

... Petitioner

Vs.

State by:-

... Respondent

The Inspector of Police,  
F-3, Arambakkam Police Station,  
Thiruvallur District.  
(Crime No.578 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of CR.P.C., to enlarge the petitioner on bail concerned in Crime No.578 of 2021 on the file of the Inspector of Police, F-3 Arambakkam Police Station, Thiruvallur District.

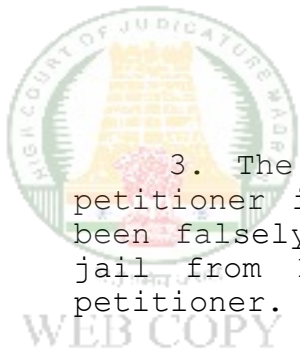
For Petitioner : Mr.D.Prabu

For Respondent : Mr.L.Baskaran,  
Government Advocate (Crl. side)

ORDER

The petitioner who was arrested on 10.09.2021 for the offences under Sections 147, 148, 449, 294(b), 506(ii) and 302 of IPC in Crime No.578 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant lodged complaint alleging that on 08.09.2021 his cousin brother and friend of his cousin brother developed wordy quarrel with each other in drunken state, which further developed as a clash between the two groups and exchange of attack between the groups and on 09.09.2021 the accused persons came to the defacto complainant's house, where the defacto complainant's father was sleeping outside the house on a cot and the accused persons brutally attacked his father by knife and threatened the defacto with dire consequence. The injured had availed first-aid in nearby hospital and then admitted to Government Stanley Hospital, where he succumbed to injuries. Hence the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 10.09.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and there is no previous case pending against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (one blood surety), each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Gummidipoondi and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned District Munsif cum Judicial Magistrate, Gummidipoondi may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioner shall co-operate with the pending investigation and report before the Inspector of Police, Thallakulam Police Station, Madurai daily at 10.00 a.m., until further orders.

(c) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



7. In the result, this Criminal Original Petition is allowed.

-sd/-  
12/10/2021

WEB COPY

This order, on being produced, be punctually observed and carried  
into execution by all concerned  
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
GUMMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
F-3, ARAMBAKKAM POLICE STATION,  
THIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL.

5 THE INSPECTOR OF POLICE,  
THALLAKULAM POLICE STATION,  
MADURAI.

6 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S D.PRABU Advocate on payment of necessary charges  
SR.NO.11377

CRL OP.19408/2021

Date :12/10/2021

CSK 13/10/2021